

THE MADRAS LEGISLATIVE COUNCIL.

Tuesday, the 25th March 1947.

The House met in the Council Chamber, Fort St. George, at three of the clock, Mr. President (THE HON. SRI R. B. RAMAKRISHNA RAJU) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Duties of Personal Assistants to certain officers.

* 108 Q.—SRI S. A. S. RM. RAMANATHAM CHETTIYAR (on behalf of Sri K. Natarajan): Will the Hon. the Prime Minister be pleased to state—

(a) what the duties assigned to the officers holding the following appointments are—

- (1) Personal Assistant to the Director of Public Instruction,
- (2) Personal Assistant to the Director of Agriculture,
- (3) Personal Assistant to the Surgeon-General,
- (4) Personal Assistant to the Commissioner of Labour,
- (5) Personal Assistant to the District Superintendent of Police, and
- (6) Personal Assistant to the District Agricultural Officer;

(b) whether irrespective of the necessity or otherwise of these posts when they were created, there is now any necessity for the retention of these posts;

(c) whether the functions which these officers perform at present cannot be redistributed among the rest of the staff in the several departments without detriment to efficiency of administration;

(d) whether any other arrangements, involving no cost or less cost cannot be made for discharging those duties;

(e) whether the offices of the Deputy Inspector of Local Boards, and Divisional Inspector of Schools cannot be abolished without detriment to efficiency of administration; and

(f) whether the above suggestions can, if the Government agree to their advisability, be brought into force immediately without waiting for the formation of a Retrenchment Committee or for the report of any such Committee?

THE HON. DR. P. SUBBARAYAN :—“(a) The duties of the Personal Assistants are to exercise immediate supervision over the establishments attached to offices in which they are employed to do the less responsible part of the superior officers' work, to exercise certain financial powers within prescribed limits and generally to assist superior officers in all respects thus enabling the latter to bestow greater attention to major departmental affairs.

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- “(b) The answer is in the affirmative.
 “(c) & (d) The answer is in the negative.
 “(e) & (f) The answer is in the negative so far as Deputy Inspector of Municipal Councils and Local Boards are concerned. As regards Divisional Inspectors of Schools, the matter is under consideration.”

Fines levied under the City Police Act.

* 109 Q.—SRI R. SURYANARAYANA RAO (on behalf of Mr. K. O. Anthoni) : Will the Hon. the Prime Minister be pleased to state—

(a) the amounts of fine collected in the City of Madras for causing obstruction to public thoroughfare (section 71, clause XI, Act III of 1888) in the following years :

1939 and 1946;

(b) whether in view of the increased population of the City during the past few years, greater facilities have been provided by Government to sell fruits, vegetable and other articles in places allotted to them; and

(c) whether it is a fact that orders have been issued by the Government stipulating the minimum fines that shall be levied for certain offences under this Act and if so, whether it is not interfering with the discretion of the magistracy?

THE HON. DR. P. SUBBARAYAN :—“(a) The amounts of fine collected in Madras City for causing obstruction to public thoroughfare under clause XI of section 71 of the Madras City Police Act, 1888, were Rs. 23,500 in 1939 and Rs. 44,420 in 1946.

“(b) Additional facilities have been provided by the Corporation.

“(c) The answer is in the negative. The latter part of the question does not arise.”

SRI R. SURYANARAYANA RAO :—“May I take it from the Hon. Minister that the Government have not issued any such instructions?”

THE HON. DR. P. SUBBARAYAN :—“As I said in the other House to-day, I have not had time to go into details concerning the administration as yet and if the hon. Gentleman will put another question, I shall be able to give better information.”

Appointment of an Indian as Surgeon-General.

* 110 Q.—SRI C. N. MUTHURANGA MUDALIYAR : Will the Hon. the Minister for Public Health and Medicine be pleased to state—

(a) whether it is a fact that the post of Surgeon-General with the Government of Madras is falling vacant at an early date;

(b) whether it is proposed to appoint an Indian to the vacancy;

(c) whether it is not the policy of the Government to Indianize the services as and when the vacancies arise;

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(d) whether there are not competent civil medical men and I.M.S. officers, who can fill the post creditably; and

(e) whether the Government propose to consider the claims of I.M.S. officers who have joined the I.N.A., and if not, why not?

THE HON. SRI K. MADHAVA MENON :—“(a) & (b) The post of Surgeon-General fell vacant due to the grant of leave pending retirement to Major-General J. P. Huban, C.S.I., O.B.E., K.H.S., I.M.S., with effect from the 1st March 1947 and Dr. P. V. Cherian, M.B.E., F.R.C.S. (Edin.), etc., Professor of Ear, Nose and Throat Diseases, Medical College and Surgeon, Ear, Nose and Throat Diseases, Government General Hospital, Madras, has been appointed temporarily to act as Surgeon-General.

“(c) & (d) Under the rules in force the post of Surgeon-General has been reserved for I.M.S. officers of the 1928 category and the claims of all such I.M.S. officers have to be considered before filling up the vacancy. The question of filling up the vacancy by the appointment of an I.M.S. officer of the 1928 protected category is under consideration. There are competent Provincial officers to hold the post.

“(e) The Government are not aware whether I.M.S. officers have joined in the I.N.A. and as such the question of considering such officers for the post of Surgeon-General does not arise.”

SRI R. SURYANARAYANA RAO :—“May I know why when there are competent officers in the Provincial Medical Service the Government are not pressing the claims of these people as against the I.M.S. officers of the 1928 protected category?”

THE HON. SRI K. MADHAVA MENON :—“As I said already, we are bound by the existing orders that an officer in the 1928 protected category has to be chosen. The Government and particularly my predecessor has written to the Government of India that preference be given to Provincial officers. Though as a matter of fact we have made the selections, representations have been made that we should have the choice of filling up this post with our own Provincial officers. Not only representations have been made but also this Government will do its utmost to get in an officer of the Provincial service there.”

THE HON. DR. T. S. S. RAJAN :—“May I for the information of the hon. Member state that we are now working under the Government of India Act, 1935, and appointment of the Surgeon-General is still subject to the control of the Secretary of State for India. A panel of three names for the Surgeon-Generalship has been given to us to choose from and in fact, one name has been suggested. But during the interval a Provincial service officer has been appointed Surgeon-General. It will be the endeavour of this Government, as it has been the endeavour of the previous Government, to get a provincial officer for the post, apart from the control of the Secretary of State. There is an early prospect

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of the Secretary of State giving up his control in this matter and it is possible that we will have a provincial man for the post at an early date."

MR. PRESIDENT :—" You may ask the Secretary of State to begin with this."

THE HON. DR. T. S. S. RAJAN :—" He is already working at it."

Cancellation of licences of merchants involved in blackmarket operations.

* 111 Q.—SRI S. A. S. RM. RAMANATHAM CHETTIYAR : Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether it is a fact that the licences of certain cloth merchants were cancelled for being involved in blackmarket operations;

(b) if so, their names, by whom it was done, where and on what date; and

(c) the policy of Government in dealing with merchants involved in blackmarket operations?

THE HON. SRI H. SITARAMA REDDI :—" (a) Yes.

" (b) The number of cloth licences cancelled during 1944-45 is 7 while that during 1945-46 is 230. A register containing the names of dealers whose licences were cancelled or suspended with the dates on which the orders were issued during the years 1944-46 is with me. The hon. Member can inspect the register if he so desires. The punishments in all these cases were ordered by the Provincial Textile Commissioner or the Joint Provincial Textile Commissioner.

" (c) The policy of the Government is to eliminate from trade as far as possible, unscrupulous dealers who by various means have contravened the control orders and thus failed to serve the public."

SRI S. A. S. RM. RAMANATHAM CHETTIYAR :—" ஒரு வியாபாரமும் செய்யாதவர்களுக்கு லைசென்ஸ் கொடுத்திருக்கிறார்கள் அல்லவா ? "

MR. PRESIDENT :—" The Hon. Minister will reply in Tamil "

THE HON. SRI H. SITARAMA REDDI :—" இந்த Question-க் கும் நீங்கள் கேட்கிறதற்கும் சம்பந்தம் இல்லை."

SRI R. SURYANARAYANA RAO :—" May I know, Sir, whether an appeal lies to the Government against the orders of the Provincial Textile Commissioner or the Joint Provincial Textile Commissioner? "

THE HON. SRI H. SITARAMA REDDI :—" I should like to have notice of that question."

THE HON. DR. T. S. S. RAJAN :—" May I say that the Government is always the appellate authority in all these matters and the right of appeal is not denied to any person on any matter on which he has a grievance."

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Girls' certified schools attached to the Madras Children's Aid Society.

* 112 Q.—SRI R. SURYANARAYANA RAO (on behalf of Mrs. M. N. Clubwalla) : Will the Hon. the Minister for Law be pleased to state when the Junior and Senior Girls' 'Certified Schools attached to the Madras Children's Aid Society evacuated to Tanjore in 1942 will be brought back to Madras?

THE HON. DR. P. SUBBARAYAN :—“ The schools will be brought back to Madras as soon as the Civil Supplies Department releases the rice godown which is right in the centre of the compound in which the schools were originally accommodated or when suitable alternative accommodation is found for those schools, whichever is earlier.”

SRI R. SURYANARAYANA RAO :—“ May I know whether Government will take steps to expedite the transfer by finding suitable accommodation?”

THE HON. DR. P. SUBBARAYAN :—“ I will try my best to do so because I have been told that the place where the school is situate is cramped and what is more the girls do not like the climate of Tanjore and so it is up to us to see that they come back here. Of course there is also the difficulty concerning the Civil Supplies as well.”

Alleged supplies to Revenue officials.

* 113 Q.—SRI C. N. MUTHURANGA MUDALIYAR : Will the Hon. the Minister for Revenue be pleased to state—

(a) whether it is a fact that the Revenue officials touring in districts get supplies from the lower Revenue officials, such as Revenue Inspectors, etc.;

(b) whether it is a fact that the cost of supplies is not fully paid up, but a nominal bill is prepared and that alone is paid;

(c) whether it is a fact that these officials get their travelling allowances and halting allowances in addition to their salaries and dearness allowances;

(d) whether it is a fact that the generality of the Revenue Inspectors shift this burden on the village officers who in their turn press the poorer class of the ryots in the village for payment; and

(e) if so, what action the Government propose to take in the matter?

THE HON. SRI M. BAKTHAVATSALAM :—“ (a) Some touring officials make their own arrangements for obtaining provisions without depending on the village officers or lower Revenue officials; others however may indent on their subordinates for supplies where they are not procurable in the open market.

“ (b) Under the existing rules, every Government officer obtaining the assistance of the village headmen for supplies is required to see that the bill for supplies is paid in full before he leaves the camp.

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- “ The Government have reasons to apprehend however that these rules are not being always followed and some evil exists. In the absence of actual complaints, however, it is difficult to take definite steps to stop the evil.
- “ (c) Gazetted Revenue officers touring within their jurisdictions are entitled to travelling allowance and daily allowance at rates admissible to them under the Madras Travelling Allowance Rules. Tahsildars, Deputy Tahsildars and Revenue Inspectors whose work involves touring within their respective jurisdiction are allowed fixed rates of travelling allowance. The travelling allowance and daily allowance paid to the touring revenue officials are in addition to the salary and other allowances due to them.
- “ (d) No such cases have been brought to the notice of Government.
- “ (e) The whole matter is under consideration of Government.”

SRI C. N. MUTHURANGA MUDALIYAR :—“ May I know whether the Government are aware of the fact that similar practice exists in every department of Government. The officer makes a tour in the mufassal and they depend upon the subordinates to supply to them. It is a patent fact; if the Government are not aware of it, will they at least hold an enquiry and find out the truth? ”

THE HON. SRI M. BAKTHAVATSALAM :—“ Perhaps it is so. I have only answered that we have no specific cases before us. I have already stated that Government are aware of the general complaint and we are looking into the matter.”

SRI R. SURYANARAYANA RAO :—“ May I know, Sir, why in some cases fixed travelling allowances are given while in other cases the travelling allowance is given according to the Travelling Allowance Rules? ”

THE HON. SRI M. BAKTHAVATSALAM :—“ I would like to have notice of that question. ”

SRI THURAGA PURUSHOTTAM :—“ May I know, Sir, whether it is not a fact that regular supplies of all requirements including snuff, is being obtained by some gazetted officers of the Public Works Department? ”

THE HON. SRI M. BAKTHAVATSALAM :—“ I take the information from the hon. Member.”

New railway lines in Nellore.

* 114 Q.—SRI L. SUBBARAMA REDDI : Will the Hon. the Minister for Agriculture be pleased to state whether the Government propose to take necessary steps with the Government of India to speed up the proposed railway lines in the Nellore district, i.e., Nellore to Vinikonda via Atmakur, Kanigiri and Nellore to Dikarmavarapam via Badvel, Cuddapah?

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THE HON. SRI M. BAKTHAVATSALAM :—“ There is no proposal at present to construct any railway line in the Nellore district; the question of speeding up these lines does not therefore arise.”

SRI L. SUBBARAMA REDDI :—“ May I know, Sir, when it was surveyed and stones fixed did not the Government feel that the line will pay? ”

THE HON. SRI M. BAKTHAVATSALAM :—“ These lines were considered to be unremunerative ones and in regard to financing them, Railway Board require a guarantee from the district boards against loss in the actual working of the lines. As the district board did not give the guarantee, these have not been pursued further.”

SRI R. SURYANARAYANA RAO :—“ Is the Hon. Minister aware that Nellore district is very badly served by railway communications and the opening of these lines in the particular area is absolutely necessary? ”

THE HON. SRI M. BAKTHAVATSALAM :—“ I have been quite well aware of the paucity of railway communication in the Nellore district. Sir, we shall again take up the matter.”

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—ANNOUNCEMENT BY MR. PRESIDENT.

MR. PRESIDENT :—“ I have to announce that His Excellency the Governor-General has withheld his assent to the Madras Trade Disputes Adjudication (Temporary Provision) Bill, 1946, passed by the Council on the 12th day of September 1946 and the Press Communiqué No. 13, Public (Information and Publicity) Department, dated the 19th March 1947, has been placed on the table of the House.”

III.—PRESENTATION OF SUPPLEMENTARY STATEMENT OF EXPENDITURE FOR 1946-47.

THE HON. SRI B. GOPALA REDDI :—“ Mr. President, I beg to present the Demands for Grants for further expenditure and Detailed Supplementary Estimates thereof for the year 1946-47.

“ I am sure, hon. Members have been supplied with copies of Demands for Grants for further expenditure.”

IV.—DISCUSSION *RE* SITTINGS OF THE HOUSE.

THE HON. SRI K. MADHAVA MENON :—“ May I bring to your notice, Sir, that the Madras District Municipalities (Amendment) Bill with the report of the Select Committee is likely to be taken up for discussion in the other House on the 27th instant. That will come up before this House on 28th or 29th, and it is necessary that the Bill should become law before the end of this month. So some time has to be provided for it to be discussed in

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this House. On the 29th instant supplementary estimates will be discussed here, 30th is Sunday and there is only one day, 31st. So some time must be found by adjustment for the discussion of that Bill."

MR. PRESIDENT :—" Are you appealing to me or to the Leader of the Opposition." (Laughter.)

THE HON. SRI K. MADHAVA MENON :—" My appeal to you means appeal to all members of the House and the Leader of the Opposition." (Laughter.)

K. UPPI SAHIB BAHADUR :—" Sir, the Hon. Minister does not know when he will be able to get that Bill through the other House. It will be very inconvenient for us to come here and go without doing any work. Therefore, I request, Mr. President, to ascertain definitely whether it will be ready for us here on the 28th or 29th instant. To my knowledge it is a controversial matter and as far as my party is concerned, the Muslim Leaguers, they are going to oppose it tooth and nail, and I am afraid it may not come up here on the 28th."

THE HON. SRI K. MADHAVA MENON :—" From what I know, the Muslim League has opposed it and discussed it at great length when it was introduced, and so I do not think there will be much scope for discussion now, and I am sure the Bill will be here on the 29th. The Hon. the Speaker has consulted the leaders of parties and they have agreed to sit on the 27th after 5 p.m."

K. UPPI SAHIB BAHADUR :—" It has become a custom for a Bill to be passed through the other House on one evening and throw it at our face here the next morning. We have on several occasions brought this to the notice of Government and you, Mr. President, have been trying to protect our rights. This time also the Government propose to do the same old thing. So, I request you, Mr. President, at least to give us 48 hours to read and understand the Bill."

THE HON. SRI K. MADHAVA MENON :—" As a member of this House I know everything that the hon. Member has said. And he can expect me also certainly to protect the rights and privileges of this House as sacredly as he wants the President to do. But whatever may have been the conditions in the past, this is a special occasion, as we want to have this Bill passed into law before 31st March 1947. We cannot continue the nominated councils beyond the 31st March. You must have all already read in the papers the circumstances under which we could not bring this Bill earlier. So I make an appeal to members on the other side to realise that it is due to circumstances beyond our control this has come. So in this particular case I make a special appeal that we have to bring this Bill with no idea of overriding the rights and privileges of this House."

DR. V. K. JOHN :—" As Government hold the view that members of this House are so clever that they do not want any preparation, I suggest we can meet on the 29th."

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MR. PRESIDENT :—" Can I take it that the Bill will be ready on the 28th instant? "

THE HON. DR. T. S. S. RAJAN :—" At least it can be presumed it will be ready."

MR. PRESIDENT :—" The hon. Doctor knows he cannot proceed on presumptions. (Laughter.) If you can get it through on 28th there, we can request hon. Members to allow it to be taken up here on the 28th."

THE HON. DR. T. S. S. RAJAN :—" The 30th instant is Sunday; so there is only one day, 31st."

MR. PRESIDENT :—" So you must make all efforts to influence Muslim League friends to allow you to get through the Bill before 28th."

THE HON. DR. T. S. S. RAJAN :—" So I would suggest—I do respect the feelings of the Opposition here—if they have no objection we shall sit on Sunday next. If that is agreeable (without their privileges being infringed) we can have the Bill passed through."

MR. PRESIDENT :—" Can we sit on a Sunday? Do rules allow it? "

(At this stage the rules were consulted.)

THE HON. DR. T. S. S. RAJAN :—" We can sit on a Sunday."

THE HON. SRI K. MADHAVA MENON :—" There is no rule against it as far as I know."

MR. PRESIDENT :—" May I take it Christian Members have no objection? "

DR. V. K. JOHN :—" As this Bill is a good one we can sit on Sunday next."

MR. K. O. ANTHONI :—" I would like to avoid a Sunday as far as possible."

MRS. MONA HENSMAN :—" Will it be possible to meet at 11 a.m. on that day? "

MR. PRESIDENT :—" Yes, at 11 o'clock, if it comes to a question of sitting on Sunday."

MR. K. O. ANTHONI :—" This is God's work, as Mr. Suryanarayana Rao says. And so as a special case we can sit on a Sunday, if it comes to that."

THE HON. SRI K. MADHAVA MENON :—" I would suggest we would begin on 29th evening and continue on Sunday, if necessary."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" May I bring to your notice, Sir, that on Sunday next most of the members of the Muslim League will not be present at Madras; because there is an engagement for the leaders of the Muslims of the Assembly, myself and Mr. Ibrahim elsewhere. We are all going to Tanjore for the celebration of Prophet's birthday. We will not be present here on Sunday."

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K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" We have already arranged for that, hoping Sunday will not be a working day for the Council. So if it comes to the Council sitting on Sunday it will be depriving us of an opportunity of discussing this Bill."

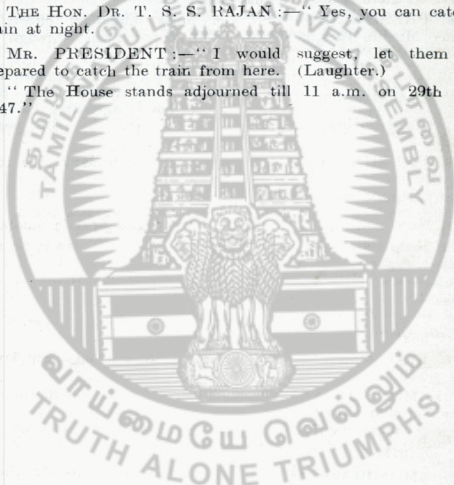
THE HON. DR. T. S. S. RAJAN :—" So we would suggest that we sit as long as possible on Saturday, the 29th instant."

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" On the 29th evening we will have to catch the train."

THE HON. DR. T. S. S. RAJAN :—" Yes, you can catch the train at night."

MR. PRESIDENT :—" I would suggest, let them come prepared to catch the train from here. (Laughter.)"

" The House stands adjourned till 11 a.m. on 29th March 1947."



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APPENDIX.

[Vide item II at page 427 supra.]

GOVERNMENT OF MADRAS.

PUBLIC (INFORMATION AND PUBLICITY) DEPARTMENT.

PRESS COMMUNIQUE No. 13.

Dated, Fort St. George, the 19th March 1947.

Before the war, trade disputes were sought to be settled by conciliation or arbitration under the Trade Disputes Act, 1929. The awards of conciliators or arbitrators were not, however, binding on the parties to the dispute; and as it was essential during the war that all trade disputes should be settled expeditiously, a rule, viz., rule 81-A, was inserted in the Defence of India Rules, so as to provide for the reference of trade disputes to adjudicators whose awards would be binding on the parties. Experience of the working of adjudication under rule 81-A was very satisfactory, and in August last, in view of the impending expiry of the Defence of India Rules on the 1st October 1946, this Government considered it necessary to introduce interim legislation for the settlement of trade disputes, pending further investigation and final legislation in regard to the matter. The Madras Trade Disputes Adjudication (Temporary Provisions) Bill, 1946, was accordingly introduced in the Legislative Assembly and passed by it on the 9th September 1946 and by the Legislative Council on the 12th September 1946.

2. As the Bill regulated subjects in the Concurrent Legislative List in a manner which was repugnant to the provisions of the existing law on those subjects, His Excellency the Governor reserved the Bill for the consideration of the Governor-General, with reference to section 107 (2) of the Government of India Act, 1933.

3. Shortly afterwards, on the 25th September 1946, the Emergency Provisions (Continuance) Ordinance, 1946 (Ordinance XX of 1946) was passed by the Governor-General, continuing Rule 81-A and certain other of the Defence of India Rules.

4. His Excellency the Governor-General has intimated his decision, arrived at after the fullest consideration, to withhold his assent to the Bill for the reasons set out below.

5. In the first place, His Excellency considers that in view of the division of functions made not only in the Trade Disputes Act, 1929, but also in Rule 81-A of the Defence of India Rules as continued in force by the Ordinance, the Bill is open to objection as encroaching on the Central field. His Excellency has also pointed out that since Rule 81-A of the Defence of India Rules has been continued in force by the Ordinance, the immediate reasons which led to the promotion of the Bill have ceased to apply.

6. It may be added that in view of the continuance of Rule 81-A of the Defence of India Rules, the Government of Madras did not press for assent being accorded to the Bill.

C. V. HANUMANTHA RAO,
Director of Information and Publicity.

